

SUMMONS

(71603901984809951071)

LINK JACOB/MINOR/BY MOTHER ERIN VANETTA
Plaintiff
Vs.

COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

CHESTERLAND PEDIATRICS
Defendant

FILED No. 04CV000642

To the following named Defendant:
CHESTERLAND PEDIATRICS
JANET L MILLER/STAT AGENT
10524 EUCLID AVE STE 1100
CLEVELAND, OH 44106

You have been named a defendant in a complaint filed in the Lake County Court of Common Pleas, Lake County Courthouse, Painesville, Ohio. A copy of the complaint is attached hereto. The name and address of the plaintiff's attorney is:

MERRIE M FROST
33579 EUCLID AVENUE
WILLOUGHBY OH 44094

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint within twenty-eight days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three days after the service of a copy of the answer on the plaintiff's attorney.

If you fail to appear and defend, judgment by default will be rendered against you for the relief demanded in the complaint.

LYNNE L. MAZEIKA
Clerk, Court of Common Pleas

Lake County, Ohio
P.O. Box 490
Painesville, OH 44077

Date: 4/02/04

By: [Signature]
Deputy

Copies to Defendant(s):
UNIVERSITY HOSPITALS HEALTH SYSTEM
UNIVERSITY HOSPITALS MANAGEMENT SERV ORGANIZATION
CHESTERLAND PEDIATRICS
UNIVERSITY PRIMARY CARE PRACTICES INC
REBECCA KAISER
DOE JOHN/1-5

SUMMONS

(71603901984809951088)

LINK JACOB/MINOR/BY MOTHER ERIN VANETTA
Plaintiff
Vs.

COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

UNIVERSITY PRIMARY CARE PRACTICES INC
Defendant

No. 04CV000642

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UNIVERSITY PRIMARY CARE PRACTICES INC
JANET L MILLER/STAT AGENT
10524 EUCLID AVE STE 1100
CLEVELAND, OH 44106

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Lake County Court of Common Pleas, Lake County Courthouse,
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LYNNE L. MAZEIKA
Clerk, Court of Common Pleas

Lake County, Ohio
P.O. Box 490
Painesville, OH 44077

Date: 4/02/04

By: Helen Maeder
Deputy

Copies to Defendant(s):
UNIVERSITY HOSPITALS HEALTH SYSTEM
UNIVERSITY HOSPITALS MANAGEMENT SERV ORGANIZATION
CHESTERLAND PEDIATRICS
UNIVERSITY PRIMARY CARE PRACTICES INC
REBECCA KAISER
DOE JOHN/1-5

FILED IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

2004 MAR 31 12:12
Jacob Link by and through
His mother and next best friend
Erin Vanetta
30324 Thomas
Willowick, Ohio 44095

Plaintiff

vs.

University Hospitals Health System
Janet L. Miller, Stat. Agent
10524 Euclid Avenue
Suite 1100
Cleveland, Ohio 44106

and

University Hospitals Management .
Services Organization
Janet L. Miller, Stat. Agent
10524 Euclid Avenue
Suite 1100
Cleveland, Ohio 44106

and

Chesterland Pediatrics
Janet L. Miller, Stat. Agent
10524 Euclid Avenue
Suite 1100
Cleveland, Ohio 44106

and

CASE NO. 04CV000442
JUDGE
COMPLAINT
(Jury Demand Endorsed Hereon)

University Primary Care Practices, Inc.
Janet L. Miller, Stat. Agent
10524 Euclid Avenue
Suite 1100
Cleveland, Ohio 44106

and

Rebecca Kaiser
405 State Street
Wadsworth, Ohio 44281

and

John Doe, 1-5

Defendants

Now comes Plaintiff Jacob Link, by and through his mother and next best friend, and for his
Complaint alleges and avers as follows:

STATEMENT OF FACTS

1. Plaintiff Jacob Link is a minor and while so situated had received medical treatment from defendants at the Willoughby, Ohio office.
2. Defendant University Hospitals Health System (hereinafter "UHHS") is the parent company of defendant University Hospitals Management Services Organization (hereinafter "UHMSO") and while so situated, did provide medical treatment to plaintiff.
3. Defendant UHMSO was one of the employers of plaintiff, and is a subsidiary of defendant UHHS, and while so situated, did provide medical treatment to plaintiff.
4. At all times relevant, Defendant Chesterland Pediatrics is a group of pediatricians employed by defendant University Primary Care Practices, Inc. (hereinafter "UPCP") and while so situated, did provide medical treatment to plaintiff.

5. At all times relevant, Defendants did employ defendant Rebecca Kaiser.

6. At all times relevant, Defendants John Doe 1-5 are, upon information and belief, employees, agents, attorneys, or otherwise for or on behalf of defendants and while so situated, did request of defendant Rebecca Kaiser to have the medical records of plaintiff Jacob Link, pulled from the Willoughby, Ohio office and faxed to the Chesterland, Ohio office, purpose of which was not medical.

7. At the same time and place defendants did unlawfully, without privilege, and in violation of the Federal ("HIPPA") law and state laws, did access plaintiff Jacob Link's private medical records. At that time plaintiff Jacob Link had not sought treatment at the Willoughby, Ohio office for several months and there was no reasons for the defendants to the use, request, disseminate, or otherwise, any of plaintiff's medical records.

8. Upon information and belief, at the time that defendants illegally accessed plaintiff's medical records, plaintiff's mother had a lawsuit pending against the defendants.

9. Upon information and belief, defendants and John Doe 1-5 did instruct defendant Kaiser to request plaintiff's medical records for some illegal purpose, and perhaps for some reason related to his mother's pending lawsuit.

10. Plaintiff does not know the identity of John Doe 1-5, but does believe that persons associated with the defendants' defense of the employment case, for some reason did request the medical records of plaintiff.

11. Once plaintiff determines who directed defendant Kaiser to access those records, plaintiff will move to amend the complaint and name the John Doe 1-5.

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COUNT I

12. Plaintiff hereby realleges and reavers the allegations contained in the foregoing paragraphs as if fully rewritten herein.
13. Defendants' actions were intentional, deliberate, knowing, willful, reckless, and/or malicious.
14. Defendants did access and procure the medical records of plaintiff without privilege and for an illegal motive.
15. Defendants did invade the privacy of the plaintiff.

COUNT II

16. Plaintiff hereby realleges and reavers the allegations contained in the foregoing paragraphs as if fully rewritten herein.
17. At all times herein mentioned, Defendants UHHS, UHMSO, UPC, Chesterland Pediatrics were and are corporations and/or businesses organized and existing under the laws of the State of Ohio.
18. At all times relevant, Defendant John Doe 1-5 and Rebecca Kaiser were/was an agent and/or employee of Defendants.
19. At all times relevant defendants John Doe 1-5 and Rebecca Kaiser were acting within the scope of their employment and/or agency for defendants, with the express permission and consent and for the benefit of Defendants.
20. Defendants are liable under the theory of *respondent superior* for the acts and/or omissions of its agents, servants, and/or employees.

admit - deny

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COUNT III

21. Plaintiff hereby realleges and reavers the allegations contained in the foregoing paragraphs as if fully rewritten herein.
22. Defendants did violate 42 USC 1320 (hereinafter "HIPPA") and state statutes by accessing the medical records of plaintiff.
23. The violation of HIPPA allows for civil penalties of up to \$25,000 and up to \$50,000 for an individual, and also allows for criminal penalties.
24. Defendants did conspire to access illegally the medical records of plaintiff, and while doing so did violate 42 USC 1320, and other state statutory and common laws, by the taking of plaintiff's medical records, for an illegal purpose.
25. Said defendants did conspire in an unlawful manner and as such committed civil conspiracy.

PUNITIVE DAMAGES

26. Plaintiff hereby realleges and reavers the allegations contained in the foregoing paragraphs as if fully rewritten herein.
27. Defendants conduct was outrageous, was done in a deliberate, callous, malicious, fraudulent, and oppressive manner intended to injure Plaintiff, was with an improper and evil motive amounting to malice and spite caused by its acts, and was done in conscious disregard of Plaintiff's rights. Therefore, Plaintiff is entitled to an award of punitive damages in an amount in according to proof.


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WHEREFORE, Plaintiff demands judgment against all Defendants, jointly and severally, for compensatory damages in excess of \$25,000.00 (TWENTY-FIVE THOUSAND DOLLARS) prejudgment interest, plus the cost of this action, punitive damages in excess of \$25,000.00 (TWENTY-FIVE THOUSAND DOLLARS), attorney fees and costs, injunctive relief to restrain the defendants from ever using the medical records for any unlawful purpose, and any other additional relief as the Court deems proper.

PLAINTIFF DEMANDS A TRIAL BY JURY IN THIS ACTION.

Respectfully submitted,

Patterson & Frost, Attorneys at Law


Marrie Frost (#0059642)
33579 Euclid Avenue
Willoughby, Ohio 44094
(440) 943-4700
Fax (1882)
E-mail mfrost@ncweb.com

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FILED

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

2004 MAR 31 P 12:13

LYNNE HAZEIMA
PLAINTIFF
JENK JACOB/MINOR/ BY MOTHER BRIN VANETTA

CASE NO. 04CV000642

Judge Eugene A. Lucci

UNIVERSITY HOSPITALS HEALTH SYSTEM
DEFENDANT

ORDER OF PROCEDURE

(CHILD ABUSE)

E225 ATTACHED